

REMARKS

The foregoing amendments and the following remarks are submitted in response to the communication dated December 15, 2004.

Status of the Claims

Claims 3-5, 7-9, 63, 66 and 68 are pending in the application. Claims 5, 7 and 9 have now been amended in order to more particularly point out and distinctly claim that which Applicants regard as the invention. Support for the amended claims can be found generally through Applicants' specification.

New Rejections

Claim Rejections – 35 USC §101

Claims 9 and 68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter and should indicate the hand of the inventor, e.g. by insertion of "isolated" or "purified". Applicants have above amended claim 9 to include "isolated" and request that this rejection now properly be withdrawn.

Maintained Rejections

The Specification Fully Enables the Claimed Invention

Claims 5, 7 and 68 remain rejected and new claims 69 and 70 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner remarks that this is a written description rejection. The Examiner remarks that the claims encompass allelic variants of the polypeptide of SEQ ID NO: 10 and no allelic variants are disclosed. Applicants respectfully disagree and point out that various receptor forms, corresponding to variants, are disclosed in the Specification. In addition, it is well within the skill of the artisan to isolate natural allelic variants and to make and test variants including conserved and non-conserved amino acid substitutions in the soluble leptin receptor sequence.

Nonetheless, in the interest of concluding prosecution in this case, without admittance or agreement with the Examiner, and without prejudice to continued prosecution, Applicants have above amended claims 5 and 7 to delete this language from the claims.

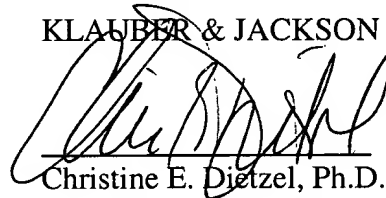
In view of the foregoing remarks and amendments, Applicants submit that the Examiner's rejections under 35 U.S.C. 112, first paragraph, may properly be withdrawn.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and reconsideration and withdrawal of all of the outstanding rejections is therefore believed in order. Should the Examiner feel that further issues remain upon a review of this response, she is invited to call the undersigned at the number listed below to effect their resolution. Early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

KLAUBER & JACKSON

A handwritten signature in black ink, appearing to read 'Christine E. Dietzel', is written over a horizontal line.

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